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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 JASON R. PENTA,

12 Plaintiff,

13 v.

14 STEVEN A. BOND, et al.,

15 Defendants.
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No. 2:22-CV-1215-DAD-DMC

ORDER

17 Plaintiff, who is proceeding pro se, brings this civil action. The action currently
18 proceeds on Plaintiff's first amended complaint. See ECF No. 6.

19 On August 23, 2022, Defendants Northern Line Builders, Inc, Steven Bond, Jason
20 Saunders, Joseph Carter, and Pamela Carter¹ filed a motion to dismiss or a more definite
21 statement. See ECF No. 20. Both the caption and body of the notice of motion indicate a hearing
22 date before the undersigned on September 21, 2022, at 10:00 a.m. See id. at 1-2. On August 30,
23 2022, the same defendants filed an identical motion, except as to the hearing date.² See ECF No.
24 23. The notice of motion indicates a hearing on November 16, 2022, before the undersigned at
25 10:00 a.m. See id. at 1. The body of the notice of motion, however, indicates hearing before the

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27 ¹ Only Defendants Joseph Carter and Jason Saunders are named in the caption
section on page 1 of Defendants' filing.

28 ² As with the August 23, 2022, filing, the caption for the August 30, 2022, notice of
motion only lists Joseph Carter and Jason Saunders as the moving defendants.

undersigned on October 19, 2022, at 10:00 a.m. See id. at 2. The motions are otherwise the same. Also before the Court is the separate motion to dismiss filed by Defendants Stephen Dean and Dean Law Firm, Inc., noticed for hearing before the undersigned on October 19, 2022, at 10:00 a.m. See ECF No. 21.

It appears that there has been some sort of clerical error regarding the noticed hearing date. What is clear is that motions filed on August 23, 2022, and August 30, 2022, are duplicative and that the latter was filed in order to re-notice the hearing. The Court will, therefore, direct the Clerk of the Court to terminate the August 23, 2022, motion at ECF No. 20 as a pending motion. The Court will issue separate findings and recommendations regarding the motions at ECF Nos. 21 and 23. In the interest of judicial economy and cost-savings for the litigants, rather than holding separate hearings in October and November, the Court will advance the November hearing date and consider the parties' arguments at a single hearing on October 19, 2022, at 10:00 a.m. in Redding, California.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court is directed to terminate ECF No. 20 as a pending motion;
2. The hearing set for September 21, 2022, is vacated; and
3. The Court sets a single in-person hearing before the undersigned in Redding, California, on October 19, 2022, at 10:00 a.m., on the motions at ECF Nos. 21 and 23.

Dated: September 2, 2022



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE